

*Kentucky. Laws, Statutes, etc.*

**ACTS**

**OF THE**

**GENERAL ASSEMBLY**

**OF THE**

**COMMONWEALTH OF KENTUCKY.**

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**DECEMBER SESSION, 1837.**

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**JAMES CLARK, GOVERNOR.**

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**PUBLISHED BY AUTHORITY.**

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**FRANKFORT:**  
**A. G. HODGES—STATE PRINTER.**  
**1838.**

1838.

to tolls, be and the same is hereby re-enacted and made part of this charter.

Capital stock  
may be increas-  
ed.

SEC. 7. That the company, hereby incorporated, may increase the capital stock to such amount as may be necessary to complete said road.

To construct  
branch.

SEC. 8. That when the company, hereby incorporated, shall commence the construction of the Railroad at Falmouth, they shall simultaneously commence the construction of a branch of the same at Claysville on Licking river, and construct the same by the nearest and most practicable route, so as to unite with the main road at Cynthiana, in Harrison County.

Provisions of  
this act to ap-  
ply to branch.

SEC. 9. That all the provisions of this act, applying to the construction of the Railroad from Falmouth to Lexington, be and the same are hereby extended to the branch hereby required to be, by the said company, constructed from Claysville to Cynthiana, in Harrison County: *Provided, however,* That said company shall not be compelled to construct said lateral branch, unless the citizens of Harrison County shall raise and furnish the means, and place the same in the hands of said company to construct said branch.

Approved February 1, 1838.

CHAP. 703—AN ACT for the benefit of the City School in the town of Frankfort, and for other purposes.

WHEREAS, it is represented to the present General Assembly, that it is the desire and intention of a number of individuals to establish a Public School, suited to the wants and condition of all classes of the community, in the town of Frankfort: and, whereas, the Franklin Seminary has been pulled down, and removed from the Public Square, thereby depriving the citizens of the only house of Public Instruction in said town, as well as the entire loss of the proceeds of 6000 acres of land, granted by the Legislature to the County of Franklin for Seminary purposes: and, whereas, it is a matter of great importance to the public, that the town of Frankfort should be well supplied with water, as well for private as for public uses, and it is represented to the General Assembly that the same can be done by conveying it from the Cove Spring, in the neighborhood of said town; and that the security of the private and public buildings thereof would be greatly protected.

Sum to be  
raised, and how  
to be applied.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for Edmund H. Taylor, Philip Swigert, Thomas S. Page, Mason Brown and John J. Vest, to raise, by way of Lottery, in one or more classes, as to them may seem expedient, any sum not exceeding one hundred thousand dollars, to be appropriated, one half for the use and benefit of a City School in the

town of Frankfort, and the other half for the construction of such reservoirs, pipes, conductors, and other works, that may be necessary and proper to convey the water from the Cove Spring into said town, in such manner and quantities as the aforesaid persons may think suitable to the convenience of the people of said town, and the safety of the private and public buildings therein.

**SEC. 2.** That the said Managers, or such of them as may act, shall, before they commence the discharge of the duties assigned them by this act, enter into bond, with good security, to the Commonwealth of Kentucky, in the County Court of Franklin, in the penalty of one hundred thousand dollars, with condition that they will faithfully discharge the duties hereby imposed on them; and which said bond may be sued on in the name of the Commonwealth of Kentucky, for the use and benefit of any person or persons injured by a breach of the condition thereof: and it shall be duty of said Managers, within ninety days after the drawing said Lottery, or any class thereof, to pay, or cause to be paid, to the fortunate person or persons holding a ticket or tickets thereof, all such prize or prizes as may be drawn by any individual or individuals, or company of individuals, agreeable to the scheme which the said Managers may agree upon and publish: *Provided, however,* That such scheme shall not reserve more than twenty per cent: said Managers shall have power to appoint a Clerk or Clerks, and any other officer or officers, necessary to conduct said Lottery, all of whom, before they shall enter upon their respective duties assigned them by the Managers aforesaid, shall take an oath before some Justice of the Peace faithfully and honestly to discharge the same.

**SEC. 3.** That said Managers shall, within ninety days after the drawing said Lottery, or any class thereof, pay over to the Trustees of the town of Frankfort, all sums of money which may fall due, and come to their hands in consequence of the drawing of said Lottery, after all prizes shall have been paid.

**SEC. 4.** That the said Managers shall be and they are hereby authorized to sell and dispose of the scheme, or any class or classes of said Lottery, to any person or persons who shall enter into bond to the Commonwealth of Kentucky, with good security, with condition well and faithfully to comply with all the terms and provisions of this act, which bond or bonds shall be received by said Managers, and be by them filed in the Clerk's office of the Franklin County Court, before said Lottery, or any class thereof, shall be drawn; *Provided,* That such sale or sales shall not be made of any class or classes for less than ten per cent, on the amount proposed to be drawn: *Provided, also,* That nothing in this act contained shall be so construed as to repeal any provision of the general law of this Commonwealth against establishing Lotteries within this State.

**SEC. 5.** That if any of the persons appointed as Managers,

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Bond to be entered into.

Duty of the managers.

Proviso.

Powers of managers.

Amount raised to be paid over to trustees.

May sell lottery, bond to be taken from purchaser.

Proviso.

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Vacancies,  
how filled.

by the first section of this act, shall refuse to serve, fail to qualify, or after having qualified, resign, the remainder of said Managers shall have power to select another individual or individuals to fill the vacancy so occurring and produced by any of the causes aforesaid, or any other cause.

Approved February 1, 1838.

CHAP. 704—AN ACT to incorporate the Harlan Museum Company.

WHEREAS, the Louisville Museum Company, incorporated by an act of the General Assembly of the State of Kentucky, approved February 20th, 1835, having become embarrassed in its affairs and having had its effects—namely, the articles composing the Museum—levied on for rent, and other charges, the same having been sold to satisfy such demands, were purchased by the present proprietors and placed in the hands of Trustees, with the intent of continuing the establishment on its original design, and for the purpose of its original institution without individual emolument or remuneration, but for the benefit of the public and honor of the city of Louisville; and that the original founders and subscribers, who have complied with the terms of subscription, may continue to have their rights in the same, the said Trustees, for the purpose aforesaid, are desirous of obtaining an act of incorporation to carry into full effect the purposes of the trust—therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James C. Johnston, James Marshall, Nathaniel Hardy, Samuel Cassedy, George Keats, James Rudd, and S. Penn, Jr., with their associates, shall be and they are hereby declared to be a body politic and corporate, in deed and in law, by the name and style of the "Harlan Museum Company;" by which name they shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, in any court of record in this Commonwealth, or elsewhere; and shall be competent, in law or equity, to take and to hold, for themselves and their successors, for the use and benefit of said Museum, lands, tenements, hereditaments, goods and chattles, of whatsoever kind, nature or quality, real, personal or mixed, by gift, grant, bargain, sale, conveyance, assurance, will or bequest, from any person or persons whomsoever, capable of making the same, and the same again to sell, demise or dispose of, for the use of the said Museum; and to rent, purchase or erect such buildings or place of exhibition as may be necessary or proper, and generally to do all and singular the matters and things which shall be lawful for them to do for the success of said Museum, and the due management of the affairs thereof.

SEC. 2. That the capital stock of this company and corporation shall be two hundred thousand dollars, to be divided

Corporators  
names; name  
and style, and  
corporate powers